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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

OSURE BROWN,

*on his own behalf and on behalf of
other similarly situated persons,*

Plaintiff,

v.

TRANSWORLD SYSTEMS, INC.;
PATENAUME & FELIX, APC; U.S.
BANK, NA; NATIONAL COLLEGIATE
STUDENT LOAN TRUST 2004-1;
NATIONAL COLLEGIATE STUDENT
LOAN TRUST 2004-2; NATIONAL
COLLEGIATE STUDENT LOAN TRUST
2005-1; NATIONAL COLLEGIATE
STUDENT LOAN TRUST 2005-2;
NATIONAL COLLEGIATE STUDENT
LOAN TRUST 2005-3; NATIONAL
COLLEGIATE STUDENT LOAN TRUST
2006-1; NATIONAL COLLEGIATE
STUDENT LOAN TRUST 2006-2;
NATIONAL COLLEGIATE STUDENT
LOAN TRUST 2007-1; and NATIONAL
COLLEGIATE STUDENT LOAN TRUST

CASE NO.:

**NOTICE OF REMOVAL OF
ACTION**

1 2007-2,

2 Defendants.

3 TO: **CLERK OF THE COURT**

4 AND TO: **PLAINTIFF, ABOVE NAMED, AND HIS COUNSEL OF RECORD**

5 PLEASE TAKE NOTICE THAT defendants Transworld Systems Inc. (“TSI”),
6 Patenaude & Felix, APC (“P&F”), U.S. Bank, NA (“U.S. Bank”), National Collegiate Student
7 Loan Trust 2004-1, National Collegiate Student Loan Trust 2004-2, National Collegiate
8 Student Loan Trust 2005-1, National Collegiate Student Loan Trust 2005-2, National
9 Collegiate Student Loan Trust 2005-3, National Collegiate Student Loan Trust 2006-1,
10 National Collegiate Student Loan Trust 2006-2, National Collegiate Student Loan Trust 2007-
11 1, and National Collegiate Student Loan Trust 2007-2 (collectively, “the Trusts,” and together
12 with TSI, P&F, and U.S. Bank, “Defendants”) hereby jointly remove to this Court the state
court action described below pursuant to 28 U.S.C. § 1331, 1441, and 1446, and as grounds
13 for their removal state as follows:

14 **I. STATEMENT OF THE CASE**

15 1. On April 6, 2020, plaintiff Osure Brown (“plaintiff”) filed a putative class
action complaint (the “Complaint”) in King County Superior Court entitled *Osure Brown, on*
16 *his own behalf and on behalf of other similarly situated persons v. Transworld Systems, Inc., et al.*, Case No. 20-2-07503-5 SEA (the “State Court Action”). A copy of the Complaint,
17 together with exhibits, is attached as **Exhibit A** hereto.
18

- 19 2. TSI was served with the summons and Complaint on April 21, 2020.
20 3. P&F became aware of Complaint on April 15, 2020, when it received it by mail.
21 4. U.S. Bank was served with the summons and Complaint on April 16, 2020.
22 5. The Trusts were served with the summons and Complaint on April 14, 2020.
23

1 6. The Complaint purports to assert five causes of action, including: (1) violations
2 of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), on behalf of
3 plaintiff and an “FDCPA Class”; (2) violations of the Washington Consumer Protection Act,
4 RCW 19.86 (“CPA”), on behalf of plaintiff and an “FDCPA Class”; (3) declaratory and
5 injunctive relief, on behalf of plaintiff and an “FDCPA Class”; (4) violation of the discharge
6 injunction under 11 U.S.C. § 524(a)(2), on behalf of plaintiff and a “Bankruptcy Class”; and
7 (5) declaratory and injunctive relief, on behalf of plaintiff and a “Bankruptcy Class.”

8 7. Plaintiff purports to bring each of his claims on behalf of himself as well as
either of two putative classes.

9 8. Plaintiff seeks various relief for himself and on behalf of a putative FDCPA
10 class, including: (1) statutory damages against TSI and P&F “in the sum of \$500,000 per
11 defendant; (2) actual damages for the plaintiff and putative class in an unspecified amount; (3)
12 declaratory and injunctive relief “enjoin[ing] the Defendants from further collection of
13 discharged debts”; (4) “costs, including attorney fees”; and (5) “such other and further relief
as may be appropriate and proper.”

14 9. Plaintiff also seeks various relief for himself and on behalf of a putative
15 Bankruptcy class, including: (1) actual damages for the plaintiff and putative class in an
16 unspecified amount; (2) declaratory and injunctive relief “enjoin[ing] the Defendants from
17 further collection of discharged debts”; (4) “costs, including attorney fees”; and (5) “such other
18 and further relief as may be appropriate and proper.”

19 **II. FEDERAL QUESTION JURISDICTION UNDER 28 U.S.C. § 1331**

20 10. This Court has original jurisdiction over this matter in that it arises under the
Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, and the United States Bankruptcy
21 Code, 11 U.S.C.

11. Specifically, plaintiff alleges violations of 15 U.S.C. §§ 1692e, 1692e(2), 1692e(5), 1692e(10), 1692f, and 11 U.S.C. § 524(a).

III. PROCEDURAL REQUIREMENTS

12. Because the earliest any Defendant was served was April 14, 2020, this Notice of Removal is timely filed pursuant to 28 U.S.C. 1446(b).

13. A copy of this Notice of Removal is being served upon plaintiff and will be filed in the State Court Action.

14. The State Court Action is located within the Western District of Washington. Therefore, venue for purposes of removal is proper because the United States District Court for the Western District of Washington embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

15. Defendants choose to remove this action to the Seattle Division of this Court because Plaintiff's claims arose in King County. Compl. ¶ 32.

16. Removal of the State Court Action is therefore proper under 28 U.S.C. §§ 1441 and 1446.

IV. CONCLUSION

By this Notice of Removal, Defendants do not waive any objections they may have as to service, jurisdiction or venue, or any other defenses or objections they may have to this action. Defendants intend no admission of fact, law, or liability by this Notice and expressly reserve all defenses, motions, and/or pleas.

Dated: May 4, 2020

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Trust 2005-3, National Collegiate Student Loan
Trust 2006-1, National Collegiate Student Loan
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